

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JACK DISTRIBUTION, LLC,  
DEVINE DISTRIBUTION, INC.,

Plaintiffs,

vs.

JS MARKETING, INC. d/b/a CL  
PHARMACEUTICALS, J.S. MARKETERS,  
INC. d/b/a CL PHARMACEUTICALS,  
GELLER'S VILLAGE DRUGS d/b/a  
VILLAGE DRUGS d/b/a VILLAGE DRUGS  
& LIQUORS, CHETAN LIMBACHIA, JAI  
BHAGWAN GUPTA, and SAMEER  
GUPTANBTY, Inc.,

Defendants.

Civil Action No. 2:08-CV-03089

**ORDER TO SHOW CAUSE**

Hon. Faith S. Hochberg

June 24, 2008

THIS MATTER having been opened to the Court by Edwards Angell Palmer & Dodge LLP, attorneys for plaintiffs, upon plaintiffs' Verified Complaint and supporting papers in support of their application for a temporary restraining order and preliminary restraints and other equitable relief; and the Court having read and considered the Verified Complaint, the supporting papers, and the arguments of Plaintiffs' counsel; and it appearing that plaintiffs have suffered, and may continue to suffer, irreparable harm for which there is no adequate remedy at law, or in monetary damages; and good cause having been shown;

**IT IS** on this 24<sup>th</sup> day of June 2008;

**ORDERED as follows:**

1. Defendants and their agents, employees, successors, attorneys and all of those entities and individuals in active concert or participation with them are temporarily enjoined and restrained from marketing, advertising, soliciting, purchasing, selling, distributing, destroying, or otherwise utilizing packaging and labels bearing the mark RIZE2, or any reference thereto until final adjudication of this action; and

2. Defendants and their agents, employees, successors, attorneys and all of those entities and individuals in active concert or participation with them are hereby temporarily enjoined and restrained from marketing, advertising, soliciting, purchasing, selling, distributing, destroying or otherwise utilizing any goods bearing the mark RIZE2 or any reference thereto until final adjudication of this action; and

3. Defendants and their agents, employees, successors, attorneys and all of those entities and individuals in active concert or participation with them are hereby temporarily enjoined and restrained from soliciting, contacting, doing business with or interfering in any manner with Plaintiffs' and Defendants' current customers or distributors in connection with RIZE2 until final adjudication of this action;

**AND IT IS FURTHER ORDERED as follows:**

4. Expedited discovery is warranted under the exigent circumstances. Defendants shall immediately search, gather, collect, marshal and organize all:

- a. Labels, packaging, product, materials, and goods, which utilize or bear the trademark name RIZE2; and
- b. Records and documents relating in any manner to purchase and sales of labels, packaging, product, materials, and goods, which utilize or bear the trademark name RIZE2.

and shall produce copies of all the information and materials identified in (a) and (b) by **Friday, June 27, 2008** to a representative of the law firm of Edwards Angell Palmer & Dodge LLP, One Giralda Farms, Madison, New Jersey 07940 for inspection and review.

5. Defendants shall produce for a 30(b)(6) deposition Chetan Limbachia and any other representative(s) who have knowledge of defendants' use in any manner of the trademark name RIZE2 on **Monday, June 30, 2008 at 10:00 a.m.**, or such other day as the parties shall agree upon, at Edwards Angell Palmer & Dodge LLP, One Giralda Farms, Madison, New Jersey 07940, or such other location as the parties shall agree upon.

**AND IT IS FURTHER ORDERED as follows:**

6. Defendants shall Show Cause before the Hon. Faith S. Hochberg at the U.S. District Court District of New Jersey, at the Frank R. Lautenberg U.S. Post Office Courthouse, Newark, New Jersey, on the **1<sup>st</sup> day of July, 2008, at 12:30 p.m.**, or as soon thereafter as counsel may be heard, why an Order should not be entered as follows:

(a) continuing the restraints set forth in paragraphs 1-3 above of this Order to Show Cause until final adjudication of this matter;

**AND IT IS FURTHER ORDERED as follows:**

7. That a copy of this Order to Show Cause, the Verified Complaint and all supporting papers shall be served upon Defendants or their attorney within 2 days of the date hereof, which service shall be effected by hand-delivery or overnight delivery to Defendants' residences or to the address of their attorneys or registered agents, and copies shall be faxed or emailed to Defendants' counsel **today**;

8. That Defendants shall serve their answering papers upon Plaintiffs no later than **June 27, 2008**, and Plaintiffs shall serve reply papers, if any, upon Defendants no later than **June 30, 2008**.

**/s/ Faith S. Hochberg**  
Hon. Faith S. Hochberg, U.S.D.J.